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Committee on Rules

COMMITTEE ON RULES

Texas House of Representatives
P.O. Box 2910, Austin, Texas 78769
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To the Speaker and Members of the
House of Representatives
68th Legislative Session

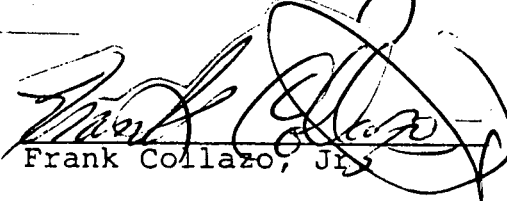
Dear Mr. Speaker and Members:

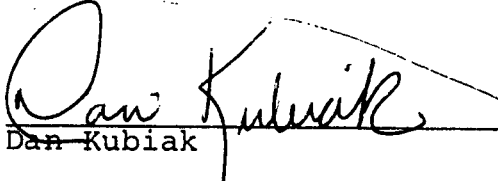
The House Committee on Rules hereby submits its interim
report and recommendations for consideration by the members
of the 68th Legislature.

Respectfully submitted,

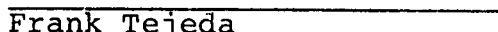

Brad Wright, Chairman



Ernestine Glossbrenner
Vice Chair


Frank Collazo, Jr.

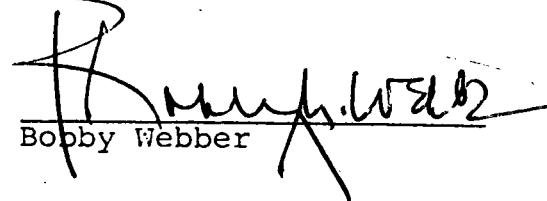

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Members: FRANK COLLAZO Jr. DAN KUBIAK L.P. (Pete) PATTERSON FRANK TEJEDA
GARY THOMPSON SENFRONIA THOMPSON BOBBY WEBBER
Christine Clore, chief clerk

ACKNOWLEDGMENT

The Committee wishes to thank Dr. Keith Hamm and Dr. Charles Wiggins, with the Political Science Department at Texas A&M University, for the many hours of research and writing they spent preparing the study on filing and action deadlines.

CHARGE

The House Committee on Rules was charged with studying the advantages and disadvantages of the Motions Calendar. The Committee considered this charge under a two-part study. First, by giving consideration to the literal interpretation of the current procedure whereby pros and cons were listed. Second, previous rules and systems were examined to determine if a subsequent procedure was more efficient.

CURRENT PROCEDURE

According to Section 4.071 SYSTEM OF CALENDARS, paragraph (8), assigns the following to the Motions Calendar:

(8) MOTIONS CALENDAR, to which shall be assigned all congratulatory and memorial resolutions whose sole intent is to congratulate, memorialize, or otherwise express concern or commendation.

Section 4.073. PERIODS FOR CONSIDERATION OF MOTIONS CALENDAR gives jurisdiction of the above resolutions to the Rules Committee as follows:

As the volume of legislation shall warrant, the Committee on Rules shall move to designate periods for the consideration of the motions calendar. Each such motion shall require a two-thirds vote for its adoption. In each instance, the Committee on Rules shall prepare and distribute to each member a printed calendar at least 48 hours in advance of the hour set for consideration. No memorial or congratulatory resolution will be heard by the full house without having first been approved, at least 48 hours in advance, through the committee process by the Committee on Rules. The calendar will contain the resolution number, the author's name, and a brief description of the intent of the resolution. Once a printed calendar is distributed no additional resolutions will be added to it, and the requirements of this section shall not be subject to suspension.

The present procedure for consideration of the motions calendar relies on Section 4.074. PROCEDURE FOR CONSIDERATION OF MOTIONS CALENDAR:

During the consideration of the motions calendar, such resolutions shall not be read in full unless they pertain to members or former members of the legislature, and all other such resolutions shall be read only by number, type of resolution, and name of the person or persons designated in the resolutions. In addition, the following procedures shall be observed:

(1) The chair shall allow the sponsor of each resolution three minutes to explain the measure, and the time shall not be extended except by unanimous consent of the house. This rule shall have precedence over all other rules limiting time for debate.

(2) If it develops that any resolution on the motions calendar does not belong on that calendar, the chair shall withdraw the resolution from further consideration, remove it from the calendar, and refer it to the appropriate calendars committee for assignment to the proper calendar.

Through utilization of the Motions Calendar, the following advantages and disadvantages have been observed.

ADVANTAGES:

1. Virtuous and noteworthy accomplishments of persons who are not present and former members or federal and state officials may be honored and congratulated by the House of Representatives.
2. Any resolution passed out of the Rules Committee is guaranteed placement on the Motions Calendar.

DISADVANTAGES:

1. The Motions Calendar was created partially as a cost-savings device and has, in fact, resulted in an increase in administrative costs. The approximate cost incurred for processing each page of a resolution is \$150.00, not including journal time.
2. A separate calendar must be printed and distributed for memorial and congratulatory resolutions.
3. Committee report forms are not completely adaptable to the Motions Calendar.
4. Floor time consumed by discussion and adoption of the Motions Calendar could be better spent on important matters of state business.
5. A voluminous amount of resolutions passed the House during the 67th session as a result of the Motions Calendar. In effect, the meaning of each resolution becomes diluted.

History and Discussion

During past sessions and up until the 63rd session, the system for congratulatory and memorial resolutions allowed only present and former members honorable mention by the House of Representatives. House members were given the opportunity to introduce three memorial and three congratulatory resolutions not in the aforementioned group, according to the following rule:

Section 9. No Member shall be permitted to introduce during any session more than three congratulatory resolutions nor more than three memorial resolutions, except for those resolutions which congratulate or memorialize Members or former Members of the Legislature. The Chief Clerk shall maintain a record of all congratulatory and memorial resolutions introduced by each Member and shall refuse to file any resolution which a Member attempts to introduce in violation of this Rule.

This rule was not enforced and resulted in a growing number of resolutions passed throughout each session. The rule was amended at the beginning of the 63rd session to read:

Section 9. Congratulatory and memorial resolutions shall be limited to those for Members and former Members of the Legislature and state and Federal officials and former state and Federal officials. This rule may be suspended only by unanimous consent.

In asking for unanimous consent of the members, this rule also endeavored to decrease the amount of resolutions passed on the floor of the House. However, this rule was not enforced either but remained a part of the rules of procedure until the present procedure involving the Motions Calendar was implemented.

It is interesting to note that when the "unanimous consent" rule became a part of the rules, another system was utilized to congratulate and memorialize. The procedure allowed for the passage of "House Citation Motions" and "House Memorial Motions", and was exercised during the 63rd and 64th sessions. The "Motions" were placed on a "Calendar" and it was moved to adopt the list in its entirety. The practice was another attempt to curb the number of resolutions adopted on the House floor. As a result, a total of 762 "Motions" were signed at the end of the 64th Legislative Session.

The House of Representatives has made it a practice to recognize those citizens whose lives and deeds are noteworthy, whether it is a respected former member or an accomplished high school teacher. Time spent on the floor of the House in the acknowledgment of people's achievements can be significant. In an effort to accomplish the will of the House without delaying floor proceedings, the Rules Committee makes the following recommendations:

RECOMMENDATIONS

It is recommended that the rules creating and pertaining to the Motions Calendar be abolished and the following long-standing rule be reinstated into the Rules of Procedure of the House of Representatives:

Congratulatory and memorial resolutions shall be limited to those for members and former members of the legislature and state and federal officials and former state and federal officials. This rule may be suspended only by unanimous consent.

It is further recommended that in order to expedite the proceedings on the floor of the House, the presiding officer of the House insure the strict literal enforcement of the provisions of this rule.

The Rules Committee would further recommend that the Legislative Council along with the House Reproduction Art Department be commissioned to design a "House Proclamation". The document should be legal in size and have the appearance of an official parchment resolution. It should be one page with adequate room for several brief paragraphs of comment. An area should be provided for the state seal and a signature line for the House Speaker, the Chief Clerk and House member. The system for requesting a proclamation should be through the Legislative Council's Research Division. The Council or requesting member should compose the substance of the proclamation bearing in mind the document is only one legal size page.

CHARGE

The House Committee on Rules was charged with examining the need for an interim procedure for memorial and congratulatory resolutions.

In undertaking this study, the committee observed the present interim procedure utilized in both the House and the Senate.

HOUSE CERTIFICATES

The system of certificates introduced during the 65th session includes three specific types (see example A). House Certificates are 8 1/2" X 11" printed on aged parchtone paper. The lettering is dark brown and the printed state seal is dark brown with gold tone highlights. Signature lines are furnished for the Speaker and House member.

House Certificates are obtained from the House Receptionist and are used to express gratitude, condolence and congratulations

A tabulation was conducted on September 15, 1982, and reflects that total requests for certificates have increased by 175% since 1980.

SENATE PROCLAMATIONS

The document put to use in the Senate is referred to as a Senate Proclamation. The process of ordering, drafting, preparing, and distributing the proclamations is delegated to the Enrolling and Engrossing Division of the Senate. A proclamation is comparable to a resolution in that text is written on the subject matter (see example B).

Proclamations are 8 1/2" X 14" and may be drawn up on either parchtone or red-lined paper centered on a blue or brown back. The proclamation is affixed onto ribbons with a gold Seal of the Senate. A signature line is provided for the President and Secretary of the Senate.

The Senate has used Senate Resolutions during the session and interim for many years. After the 67th session, the term "proclamation" was substituted for "resolution" and requests picked up considerably.

RECOMMENDATIONS

After examining the House and Senate procedures for recognition through documents of Citation, Memoriam and Appreciation, the Rules Committee recommends the following:

That the current method of acknowledgment by means of House Certificate continue to be utilized and the system of House Proclamations discussed in the previous study also be implemented during the interim. Requests for proclamations should be directed through the Legislative Council.

Example A.



The State of Texas
House of
Representatives

CERTIFICATE OF APPRECIATION

Extending our gratitude, we
proudly present this certificate
To- _____

State Representative

Speaker of the House



The State of Texas
House of
Representatives

CERTIFICATE OF CITATION

Extending our most sincere
congratulations, we
proudly present this certificate
To- _____

State Representative

Speaker of the House



The State of Texas
House of
Representatives

IN MEMORIAM

Extending our most sincere
condolences, we present this
certificate to- _____

In lasting memory of

State Representative

Speaker of the House

By: Howard

SENATE PROCLAMATION

WHEREAS, During the last 50 years, Mr. and Mrs. Robert Nolen have shared many warm and happy memories and one of the most important of these will be their 50th wedding anniversary which they will celebrate on April 16, 1982; and

WHEREAS, Mr. and Mrs. Nolen began their marriage in a spirit of romance and adventure which has remained a vital part of their marriage; they eloped to Durant, Oklahoma, while students at North Texas State College; and

WHEREAS, This fine couple has given much to their community, and they have gained considerable respect and admiration from all who know them; and

WHEREAS, The former Thelma Lee Jackson received a Bachelor of Science degree in home economics from North Texas State College in 1932; for 35 years she dedicated herself to the teaching profession and for her efforts was named Teacher of the Year in Arlington Public Schools in 1970; and

WHEREAS, Robert Lawrence Nolen received Bachelor of Science and Master of Science degrees from North Texas State College; he taught for 43 years in the Texas educational system, including the university level; deeply interested in young people, Mr. Nolen generously donated countless hours coaching and officiating at baseball, football, and basketball games; and

WHEREAS, Mr. Nolen was actively involved in several other enterprises; he was a preacher and worked as an insurance salesman and training specialist; and

WHEREAS, Mr. and Mrs. Nolen have been blessed with two fine children, James Robert and JoAnn Nolen Walker, who have given them much joy and happiness through the years; now, therefore, be it

PROCLAIMED, That the Senate of Texas extend warm congratulations to Thelma Lee and Robert Nolen on their golden wedding anniversary and commend them for the exemplary lives they have led; and, be it

PROCLAIMED, That a copy of this Proclamation be prepared for Mr. and Mrs. Robert Nolen as a memento of this grand occasion.



President of the Senate

I hereby certify that the
above Proclamation was adopted.

Secretary of the Senate

I. INTRODUCTION

The following brief research report was prepared for the Committee on Rules of the Texas House of Representatives to support its study activities during the interim between the 1981 and 1983 sessions. The report focuses upon selected current practices and procedures employed by American legislatures in their attempts to manage effectively the volume and disposition of proposals through the legislative process.

The attached table presents current practices and procedures employed as management techniques in five areas by House chambers of state legislatures: (1) limitations on the number of bills which individual lawmakers are permitted to introduce; (2) whether or not lawmakers are permitted to file bills prior to the convening of the session; (3) deadlines confronting lawmakers on the introduction of bills during the course of a session; (4) whether or not amendments to measures must be filed prior to their consideration on the floor; and (5) deadlines imposed on the Third Reading (or final passage) of measures during the course of a session.

For the purposes of analysis, the states are grouped in the table according to two dimensions: (1) length of typical legislative session during the 1970's, and (2) whether or not the legislature meets on an annual or biennial basis. This was done on the assumption that both session length and frequency might have a major impact on the specific management techniques and controls employed in given states.

II. INFORMATION SOURCES

Information presented in the table was obtained from several sources. On March 30, 1982, a letter was sent by Rules Committee Chairman Brad Wright

to the presiding officers of the 48 houses of representatives outside Texas (plus Nebraska unicameral) requesting information about bill action deadlines in their respective chambers. Responses were received from 35 states and made available to the preparers of this report. Information contained in recent issues of State Legislative Report, a research publication of the National Conference of State Legislatures, was also utilized, as well as that contained in the Council of State Government's 1980-81 Book of the States.*

III. FINDINGS

The main findings of our research can be summarized as follows:

- (1) Most legislatures do not limit the number of bills that individual lawmakers can introduce.

Numerical limitations on bill introductions is not a very popular management technique in state houses. The table reveals that only six states impose such limitations. These limitations range from a ten-bill introduction limit per term for each representative in Washington (including prefiled bills) to two bills per day for each representative prior to bill introduction deadline in Indiana (no limit on prefiled bills). Alaska's limit applies to prefiled bills, but not to those introduced during the session.

Most states with numerical bill introduction limitations also have rules providing for deviations from the limit in "emergencies"; such situations frequently become loosely defined in practice and do not effectively reduce the volume of legislative proposals. Nebraska recently repealed its rule restricting members to 17 bills in each two year session.

*State Legislative Reports utilized were those dated December, 1979 (including addendum of February 4, 1981) and October, 1981.

(2) Prefiling of bills has become a common practice of legislatures.

As indicated by the table, most houses today permit their members to file bills prior to the convening of the legislative session. Such a procedure is designed to reduce the beginning-of-session bill introduction log jam. A few of the annual session states limit the practice only to the period prior to the first session, while a small number of others limit it to prior to the second session.

(3) Bill introduction deadlines are a common practice and their occurrence is linked to the length of the legislative session.

The table also reveals that most states today impose deadlines after which lawmakers are not permitted to introduce bills. Furthermore, states which impose short-term deadlines tend to have relatively brief legislative sessions, while those with later deadlines (or no deadlines at all) are usually in session for a much longer period of time. Thus, the time of the deadline appears to be linked to the typical length of the legislative session.

(4) The bulk of states do not mandate the prefiling of amendments to bills.

Members of three houses -- Iowa, Louisiana, and Kentucky -- must prefile their amendments to bills at least one day prior to floor debate on the question. Such a requirement is said to expedite floor proceedings (less confusion exists on the purpose of amendment) and also enhance the level of debate on the measure. On the other hand, the impact of surprise as a weapon in floor maneuvering is reduced considerably.

(5) Only a minority of states have deadlines for Third Reading, or final passage, of bills.

As indicated by the table, only 14 of the 35 states surveyed have action deadlines by which bills must be approved on Third Reading in order to survive

the legislative process during the course of a session. Such deadlines are expressed in terms of either specified calendar dates or a given number of days into the session, and may vary according to which session the legislature is in (first or second) and which chamber originated a given measure. Of those states having Third Reading deadlines, exemptions are frequently provided for particular categories of bills, with the most common being those dealing with appropriations and taxes. A few Third Reading deadline states also provide that a designated permanent or special committee (rules, calendar, steering, etc.) of the chamber may call bills up for final passage during the period between the Third Reading deadline and adjournment.

The table shows that states with Third Reading deadlines are scattered across all state groupings. In other words, the normal length of legislative sessions and whether the legislature meets on a biennial or annual basis appear not to be linked to the establishment of Third Reading deadlines.

It should be emphasized that the Third Reading deadlines shown in the table do not reflect requirements in certain states that (1) a bill must be held over a given number of days after introduction and prior to Second Reading, or (2) a bill must be held over a given number of days after Second Reading (amendment/perfection stage) before it can be approved on final passage. A perusal of documents and materials provided the preparers of this report reveals that both types of bill holdover requirements are rather common and are designed to assure the interested public ample time to react to the current version of a legislative proposal. The main point here is that such bill holdover requirements may in effect function as Third Reading deadlines for those measures scheduled for debate and disposition during the waning days of a session, especially those involving a constitutionally mandated end-of-session.

The Third Reading deadline portion of the table also does not take into account situations where chambers have established deadlines for certain categories of measures. For example, the New Mexico House of Representatives normally employs a schedule of deadlines (including Third Reading) pertaining to the passage of the state's general appropriations bill through the legislative mill. No Third Reading deadlines apply to other types of measures, however.

Overall, of the states surveyed, it would appear that state legislatures tend to rely on procedures other than Third Reading deadlines to manage the disposition of proposed legislation once it is ready for consideration on the floor.

Additional Deadline

Although not shown in the table, it should be recognized that some chambers do attempt to enhance the orderly flow of legislative business by providing for deadlines according to which standing committees must issue reports on measures previously referred to them. The deadline may be expressed as a given date (or after so many days into the session) or a specified number of days after each bill has been referred to the committee. Certain categories of measures, most commonly fiscal bills, may be exempted for committee report deadlines. For example, the Colorado House rules provide that all committee reports must be issued by the eighty-fifth legislative day during the first session and by the forty-fifth day during the second session. Appropriations bills are exempted from committee report deadlines, however. Iowa exempts appropriations, revenue, and measures co-sponsored by the majority and minority party floor leaders from all Committee reporting deadlines.

Although many states formally mandate deadlines for committee reports on referred bills, informal practices at times are followed to the point that the original purpose of the rule, or the orderly disposition of proposals, is negated.

BILL FILING AND ACTION DEADLINES IN AMERICAN STATE LEGISLATURES

LENGTH OF SESSION	BILL INTRODUCTION LIMITATION	PREFILING PERMITTED	BILL INTRODUCTION DEADLINE ^a	PREFILE AMENDMENT REQUIRED	THIRD READING OR FINAL PASSAGE DEADLINE ^b
I. LESS THAN 100 LEGISLATIVE DAYS					
<u>Biennial</u>					
Arkansas		X	XXX		
Kentucky		X	XXX		
Montana	X	X	XXXX	X	NA
New Hampshire		X	XXXX		NA
North Dakota		X	XXXXX		NA
				NA	(33) / (None)
<u>Annual</u>					
Florida		X	XXXXX		
Georgia			XXXX		
Indiana	x(2)	X	XXXX		(40/18) / (56/25) ^c
New Jersey		x(6)			NA
New Mexico			XXXX		
South Dakota		X	XXXX		(36/31) / (36/31)
Tennessee	x(2)	X	XXXX		
Utah		X	XXXX		(57/17) / (57/17)
Virginia		X	NA		
Wyoming		x(6)	XXXX		NA
II. 100-199 LEGISLATIVE DAYS					
<u>Biennial</u>					
Nevada		X	XXXX		NA
Oregon		X	XXXX		NA
<u>Annual</u>					
Alabama		x(3)	XXXX		
Connecticut		X	XXXXX		NA
Delaware		X	NA		NA
Hawaii		x(5)	XXXX		NA
Idaho			XXXX		NA
Iowa		X	XXX		
Kansas		X	XXXX	X	
Louisiana		X	XXXXX		(59/59) / (83/83)
Maine		x(6)	XXX	X	NA
Maryland		x(3)	XXX		
Minnesota		x(5)	XXX		(76/76) / (None/None)
Mississippi		X	XXX		(Apr. 10/Feb. 22) / (Apr. 24/March 3)
Missouri		X	XXX		(74/39) / (102/67)
Nebraska			XXXXX		(June 15/None) / (June 15/None)
North Carolina			XXX		
Oklahoma		X			
Pennsylvania		X			(47/35) / (71/51)
Rhode Island		X	XXX		NA
Vermont		X	XXX		NA
Washington	X	X	XXX		
West Virginia		X	XXX		NA
Wisconsin		X			
III. 200 OR MORE LEGISLATIVE DAYS					
<u>Annual</u>					
Alaska	x(1)	X			
Arizona		X	XXXX		NA
California		(4)			(60/60) / (90/90)
Colorado	x(2)	X	XXX		(June 19, June 11) / (None, Sept. 1)
Illinois		X	XX		(95/55) / (120/80)
Massachusetts		X	X		(May 25, June 27) / NA
Michigan					NA
New York		X	XXX		
Ohio		X			
South Carolina		X	XX		

- (1) Limit applies to prefiled bills only.
- (2) Limit applies to bills filed during the session but not to prefiled bills.
- (3) Bills cannot be prefiled after last session of the term.
- (4) California has a continuous legislature. Bills may be introduced at any time during the biennium.
- (5) Only in the second session.
- (6) Only in the first session.

Star Notation:

XXXXX	1-15	Introduction deadline within first 15 legislative days.
XXXX	16-30	Introduction deadline between 16-30 legislative days.
XXX	31-60	Introduction deadline between 31-60 legislative days.
XX	61-90	Introduction deadline between 61-90 legislative days.
Blank	No limitation	Introduction deadline after 90 legislative days.

^aIn determining introduction deadlines, calendar days have been converted to legislative days. Drafting deadlines were used in cases where they came earlier and where bill introduction deadlines were not available. Bill introduction limitation refers to longer sessions of the biennium.

^bOf the 35 states responding, 14 states indicated deadlines for 3rd reading or final passage.

^cThe first pair of numbers refers to deadlines for bills originating in the House while the second set refers to those referred from the other chamber. The numbers in each pair refer to the deadlines for each session, respectively. Days are those shown in chamber rules. The chart reflects the general practices of the House and does not attempt to detail exceptions.